

1 VALERIE BANTNER PEO (SBN 260430)
2 BRANDON M. CARR (SBN 280959)
3 DAVID GOLDSTEIN (SBN 319394)
4 BUCHALTER
5 A Professional Corporation
6 425 Market Street, Suite 2900
7 San Francisco, California 94105-2491
8 Telephone: 415.227.0900
9 Fax: 415.227.0770
10 E-mail: vbantnerpeo@buchalter.com
11 E-mail: bcarr@buchalter.com
12 E-mail: dgoldstein@buchalter.com

13 Attorneys for Party In Interest
14 SUNPREET SINGH

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

13 In re
14 KULDEEP SINGH and AMANDEEP KAUR,
15 Debtors.

Case No. 20-41448-RLE

Chapter: 11

***EX PARTE* APPLICATION UNDER
RULE 2004(a) FOR ORDER OF
EXAMINATION OF KULDEEP SINGH**

TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT:

Sunpreet Singh ("Applicant") respectfully represents:

1. Debtors Kuldeep Singh and Amandeep Kaur filed their chapter 11 voluntary petition on September 2, 2020, commencing the above-captioned case. (ECF Docket Entry #1).

2. On May 13, 2022, the Court entered its *Order and Monetary Judgment* ("Judgment") in the amount of \$430,980.52, in favor of Applicant and against Debtors Kuldeep Singh and Amandeep Kaur. The Judgment sets forth that the stay of enforcement imposed by Federal Rule of Bankruptcy Procedure 7062 has been waived and that the amounts awarded by the Court are nondischargeable pursuant to 11 U.S.C. § 523(a)(6). (ECF Docket Entry #174).

1 3. The Debtors' Schedules and Statement of Financial Affairs (ECF Docket Entry #25, pp.
2 16, 78) list a one-hundred percent (100%) ownership interest in BAP Properties, LLC ("BAP
3 Properties"), which is a California Limited Liability Company qualified to do business in the State
4 of California.

5 a. On June 27, 2022, this Court entered its Order (ECF Docket Entry #195) granting
6 the Chapter 11 Trustee's *Motion Re Abandonment (Entity Interests and Assets, Including 622*
7 *Happy Valley Road Pleasanton)* (ECF Docket Entry #179), wherein the Estate's interest in BAP
8 Properties and the real property it owns, 622 Happy Valley Road, Pleasanton, California ("622
9 Happy Valley Rd"), were abandoned.

10 b. BAP Properties is itself a debtor in a separate chapter 7 case, pending before the
11 United States Bankruptcy Court for the Northern District of California as *In re BAP Properties,*
12 *LLC*, Case No. 20-41119 RLE. By order dated January 1, 2021, the chapter 7 trustee abandoned
13 that estate's interest in 622 Happy Valley Road. (ECF Docket Entry #87 and #101).

14 4. Applicant hereby requests to examine Debtor Kuldeep Singh concerning his financial
15 condition, including his interest in BAP Properties.

16 5. Applicant further requests that Debtor Kuldeep Singh produce the documents specified
17 in **Exhibit A** attached hereto and incorporated herein by reference which concern his financial
18 liabilities and assets (the "Documents").

19 6. Applicant requests that this Court order Debtor Kuldeep Singh to appear personally for
20 oral examination. Such examination will be recorded by stenographic means and/or video and will
21 continue day to day until concluded.

22 7. This Application is made pursuant to *Bankruptcy Rule* 2004(a) and (c).

23 **WHEREFORE**, Applicant prays that this Court enter an order directing Debtor Kuldeep
24 Singh to produce the Documents **on or before 5:00 p.m. on August 19, 2022** to the law offices of
25 Buchalter, a Professional Corporation, c/o Brandon M. Carr, Esq., 425 Market Street, Suite 2900,
26 San Francisco, California 94105. Alternatively, the Documents can be transmitted electronically
27 to Brandon M. Carr, Esq., at bcarr@buchalter.com.

28

1 **WHEREFORE**, Applicant prays that this Court enter an order directing Debtor Kuldeep
2 Singh to appear at **11:00 a.m. on August 25, 2022**, at the law offices of Buchalter, a Professional
3 Corporation, 425 Market Street, Suite 2900, San Francisco, California 94105 for the purpose of
4 examination.

5 DATED: July 20, 2022

BUCHALTER
A Professional corporation

6
7
8 By /s/ Valerie Bantner Peo
VALERIE BANTNER PEO
9 Attorneys for SUNPREET SINGH
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A
DEFINITIONS

These document requests shall be governed by the following definitions:

1. As used herein, the terms “DOCUMENT” or “DOCUMENTS” means all “writings” as defined by California Evidence Code section 250 (and tangible things containing “writings”) including without limitation any writings, information or data located or stored on any ELECTRONIC STORAGE DEVICE; and any writing or graphic matter, however produced or reproduced, of any kind or description, whether sent or received, including originals, copies, drafts and both sides thereof, regardless of their author or origin, or however denominated by the recipient of this request. In all instances in which a DOCUMENT, or a series of DOCUMENTS, has been prepared on a periodic basis (such as monthly, quarterly, semiannual, annual, etc.) the DOCUMENT reflecting each such period is requested.

2. As used herein, the term “ELECTRONIC STORAGE DEVICE” means computers; laptops; computer hard drives; hard disks; network servers; shared servers; voicemails; cards; external devices for scanning, printing, or sending email; external devices for copying and/or making DVDs or CDs; external memory devices or media such as CDs, CD-ROMs, DVDs, memory cards, flash drives, San Disk Memory Cruzers, memory sticks, GS-Magic & Product Storage memory devices, memory tapes, SIM cards, floppy disks, zip disks, diskettes, magnetic tapes, back-up tapes and external hard drives; personal data assistants such as Palm Pilots, Pocket PCs and iPods; text messaging devices such as Blackberries and cellular phones with text messaging functions; or any other device or media upon which computer or electronic data may be stored, including all meta data thereon, at any location.

3. As used herein, the term “YOU” or “YOUR” means Kuldeep Singh, YOUR agents, representatives, employees, accountants, attorneys and/or any other person acting on YOUR behalf.

4. As used herein, the term “YOUR SPOUSE” means Amandeep Kaur.

INSTRUCTIONS

A. In producing DOCUMENTS and things, YOU are requested to furnish all

1 DOCUMENTS or things in YOUR possession, custody, or control, or known or available to YOU,
2 regardless of whether such DOCUMENTS or things are possessed directly by YOU or YOUR
3 attorneys, agents, employees, representatives, or investigators, or by any other person or persons
4 acting on YOUR behalf, or their agents, employees, representatives, or investigators.

5 B. In producing DOCUMENTS for inspection, YOU are requested to produce the
6 original of each DOCUMENT requested together with all non-identical copies and drafts of that
7 DOCUMENT. Any comment, notation, or marking appearing on any DOCUMENT, and not a part
8 of the original, and any draft, preliminary form, or superseded version of any DOCUMENTS is
9 also to be considered a separate DOCUMENT.

10 C. All DOCUMENTS that are maintained in electronic form should be produced in
11 electronic form even if a paper copy of the same DOCUMENT was produced.

12 D. All DOCUMENTS should be produced in the same order as they are kept or
13 maintained by YOU.

14 E. All DOCUMENTS should be produced in the file, folder, envelope, or other
15 container in which the DOCUMENTS are kept or maintained. If the container cannot be produced,
16 please produce copies of all labels or other identifying markings.

17 F. DOCUMENTS attached to each other should not be separated.

18 G. If any requested DOCUMENT or thing cannot be produced in full, please produce
19 it to the extent possible, indicating what is being withheld and the reason it is being withheld.

20 H. If a responsive DOCUMENT once existed but has been lost, destroyed, or otherwise
21 is no longer in YOUR possession, identify the DOCUMENT and state the details concerning the
22 loss or destruction of such DOCUMENT, including the name and address of the present custodian
23 of any such DOCUMENT if known to YOU.

24 I. Please produce DOCUMENTS and things responsive to these requests as they are
25 kept in the usual course of business or, alternatively, organized and labeled to correspond to each
26 request to which the DOCUMENTS or things are responsive.

27 J. In the event any DOCUMENT is withheld on a claim of attorney-client privilege,
28 work product, or other similar privilege, please provide the following information: (1) the date the

1 DOCUMENT was prepared or the date it bears; (2) the author of the DOCUMENT; (3) the
2 addressee(s) and recipients of the DOCUMENT; (4) the title and subject matter of the
3 DOCUMENT; (5) the source of the DOCUMENT; and (6) the basis for withholding the
4 DOCUMENT.

5 **DOCUMENTS REQUESTED**

6 1. Original stock certificate(s) issued to YOU in any corporation in which YOU claim
7 a legal or beneficial interest or in which YOU are a named owner.

8 2. Copies of all DOCUMENTS, including operating agreements, for any limited
9 liability company in which YOU are a member, manager, officer or claim a legal or beneficial
10 interest. This shall mean and include BAP PROPERTIES LLC.

11 3. Copies of all DOCUMENTS, including partnership agreements, for any general or
12 limited partnership in which YOU are a partner or claim a legal or beneficial interest.

13 4. Copies of all DOCUMENTS, evidencing any ownership interest in a corporation.

14 5. Copies of all DOCUMENTS evidencing YOUR and YOUR SPOUSE'S income for
15 the past 12 months to the present, including but not limited to, monies paid to YOU and YOUR
16 SPOUSE in the form of wages, commissions, consulting fees, draws, dividends and distributions.
17 This shall mean and include the names and addresses of the payors.

18 6. Copies of all statements of income, including W-2s, 1099s, K-1s, payroll stubs, or
19 otherwise, evidencing YOUR and YOUR SPOUSE's income for the past 12 months to the present.

20 7. Copies of financial statements for the past 5 years prepared on YOUR or YOUR
21 SPOUSE'S behalf.

22 8. The present name, address and phone number of YOUR and YOUR SPOUSE's tax
23 preparer for YOUR and YOUR SPOUSE'S tax returns for the past 5 years to the present.

24 9. The tax identification of YOUR and YOUR SPOUSE's employer. If YOU or
25 YOUR SPOUSE are self-employed, YOUR and YOUR SPOUSE's tax identification numbers.

26 10. Copies of all statements for all IRA, Keough or other retirement income accounts
27 for which YOU are or YOUR SPOUSE is a beneficiary or from which YOU or YOUR SPOUSE
28 derive a benefit, either directly or indirectly.

1 11. Copies of all DOCUMENTS relating to all employment, consulting or retainer
2 contracts by and between YOU or YOUR SPOUSE and any corporation, limited liability company,
3 partnership, joint venture or any other entity for the past five years.

4 12. Copies of all DOCUMENTS that evidence YOUR ownership or legal or beneficial
5 interest in options to purchase stock, commodities, real estate or commercial deposits of any item
6 of value.

7 13. Copies of registrations and/or pink slips for any automobiles or other motor powered
8 vehicles which YOU and YOUR SPOUSE have any interest in whether as legal owner or registered
9 owner or as lessee.

10 14. An itemization of all personal property assets YOU or YOUR SPOUSE currently
11 own, including but not limited to all jewelry, furniture, artwork, automobiles, aircraft, watercraft,
12 and any other personal property of any nature or kind and all DOCUMENTS related thereto.

13 15. Copies of YOUR homeowners insurance policy including but not limited to any
14 endorsements or riders attached thereto for jewelry floater coverage, artwork, or any other item of
15 non-community property personalty.

16 16. Copies of appraisals for the past 12 months appraising any personal property which
17 YOU or YOUR SPOUSE own which is valued in excess of \$500.00.

18 17. Copies of account statements from January 1, 2017 to the present from any
19 brokerage, financial planner, wealth management company or any entity that holds or invests
20 money on YOUR or YOUR SPOUSE's behalf, including all stocks and bonds.

21 18. Copies of any and all bank, credit union, investment and brokerage account
22 statements from January 1, 2017 to the present; all statements from any checking account, savings
23 account, money market, certificate of deposit, IRA, pension fund, investment, brokerage or any
24 other type of account at any financial institution, credit union and investment or brokerage
25 companies, where said account is held in YOUR name or YOUR SPOUSE's name, whether
26 individually, jointly, or where YOU are or YOUR SPOUSE is a signatory on said account.

27 19. Copies of DOCUMENTS relating to all safe deposit boxes in YOUR name or
28 YOUR SPOUSE'S name. This includes producing an inventory list of the contents in the safe

1 deposit box, as well as the name and address of any third-party boxholder, and the location of the
2 safe deposit box.

3 20. Copies of any and all deeds, including all trust deeds and transfer deeds, to any real
4 property to which YOU or YOUR SPOUSE currently hold or previously held an ownership interest,
5 including but not limited to: 622 Happy Valley Road, Pleasanton, CA 94566.

6 21. Copies of DOCUMENTS evidencing unpaid liens and encumbrances recorded
7 against 622 Happy Valley Road, Pleasanton, CA 94566.

8 22. Copies of DOCUMENTS evidencing the transfer of any real property, including but
9 not limited to 622 Happy Valley Road, Pleasanton, CA 94566, in which YOU or YOUR SPOUSE
10 hold or held an ownership interest in the last five years.

11 23. Copies of any contracts, escrow instructions, HUD-1 settlement statements, title
12 insurance documents, and DOCUMENTS of any ownership interest in any real property which
13 YOU or YOUR SPOUSE may have or may have had, including but not limited to, 622 Happy
14 Valley Road, Pleasanton, CA 94566 for the past five years.

15 24. Copies of any and all county property tax bills for the past 5 years to the present for
16 any real property in which YOU or YOUR SPOUSE currently have an ownership interest.

17 25. Copies of any and all rental or lease agreements to any real property which YOU or
18 YOUR SPOUSE currently own or have an interest in for which YOU or YOUR SPOUSE derive
19 an income.

20 26. Any and all originals and/or copies of revocable or irrevocable trusts to which YOU
21 or YOUR SPOUSE contributed cash or assets or of which YOU or YOUR SPOUSE are a named
22 trustee.

23 27. Copies of DOCUMENTS evidencing any interest in any estate whatsoever.

24 28. Copies of any and all professional licenses issued to YOU, including but not limited
25 to, contractor license, real estate license, mortgage broker license, pilot license, legal or medical or
26 dental license.

27 29. Copies of any and all judgments entered in YOUR favor or in which YOU have an
28 ownership or beneficial interest.

1 30. Copies of DOCUMENTS relating to judgments entered against YOU with the
2 exception of the judgment obtained against YOU in the instant action. This shall mean and include
3 any DOCUMENTS relating to settlement agreements thereof.

4 31. Copy of YOUR tax return for the past five years.

5 32. If YOU pay rent, copy of YOUR lease.

6 33. If YOU pay rent, copies of YOUR checks to YOUR landlord for the past three years.

7 34. Copies of YOUR credit card statements for the past five years.

8 35. If YOU pay any of YOUR family member's monthly expenses, DOCUMENTS
9 evidencing the source of the funds.

10 36. An itemization of YOUR monthly expenses for the past year.

11 37. DOCUMENTS evidencing how YOU pay YOUR monthly expenses for the past
12 year.

13 38. DOCUMENTS evidencing any construction equipment that YOU own.